

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OSCAR CAESAR,	:	1:12-cv-1391
	:	
Plaintiff,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Martin C. Carlson
RONNIE HOLT,	:	
	:	
Defendants.	:	

ORDER

August 6, 2012

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Martin C. Carlson (Doc. 7) filed on July 23, 2012 that recommends *pro se* Plaintiff Oscar Caesar’s Motion for Leave to Proceed *in forma pauperis* (Doc. 2) be granted and that Plaintiff’s Federal Tort Claims Act (“FTCA”) complaint be dismissed as against the individually named defendants, but that Plaintiff be permitted to amend his complaint by adding the United States as a defendant. The Magistrate Judge also recommends that the Plaintiff’s claim for a specific amount of liquidated damages be stricken, inasmuch as such a prayer for relief is in violation of Local Rule 8.1.

On August 3, 2012, Plaintiff filed a submission with the Court self-styled as “Petitioner response to the magistrate judge [Carlson] report and recommendation for dismissal of suit” (Doc. 8). Within that submission, Plaintiff indicates that he would like to amend his suit to include the United States as a defendant and that he will strike the specific amount of unliquidated damages from his prayer for relief.

Accordingly, we shall adopt the Magistrate Judge’s recommendation to the extent that we agree that Plaintiff’s original complaint must be dismissed. However, we shall take Plaintiff’s submission as an indication that he desires to amend his complaint to cure the deficiencies cited by the Magistrate Judge, and allow him an interval of time to do so. This matter will be remanded to Magistrate Judge Carlson for further pre-trial management.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 7) is **ADOPTED** in its entirety.
2. The Clerk shall terminate the individual Defendants as Defendants to the action and add the United States of America as a Defendant.
3. The Plaintiff shall file an amended complaint within twenty (20) days of the date of this Order.

4. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is
GRANTED.
5. This matter is **REMANDED** to Magistrate Judge Carlson for all
further pretrial management.

s/ John E. Jones III
John E. Jones III
United States District Judge